

The US 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the District Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM)

**ORIGINAL**

**I. (a) PLAINTIFFS**

United States of America

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Arlene M. Embrey, U.S. Small Business Administration, 409 3rd St., S.W., 7th Fl., Washington, DC 20416 (202) 205-6976

**DEFENDANTS**

Pacific Capital, LP, a/k/a Woodlot II Limited Partnership

County of Residence of First Listed Defendant

Washtenaw

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONVEYANCE CASES, FILE WITH THE DEED

Also

Case: 2:06-cv-10856

Assigned To: Friedman, Bernard A

Referral Judge: Whalen, R. Steven

Assign. Date: 2/27/2006 @ 12:55 p.m.

Description: CMP USA V. PACIFIC

CAPITAL, LP (TAM)

2661 11/25  
MC-06-00042

**II. BASIS OF JURISDICTION**

(Select One Box Only)

☒ 1 U.S. Government Plaintiff

☐ 3 Federal Question

(U.S. Government Not a Party)

☐ 2 U.S. Government Defendant

☐ 4 Diversity

(Indicate Citizenship of Parties in Item III)

**III. CITIZEN**

(For Div.)

Citizen of This State

PTF DEF  
☐ 1 ☐ 1

Incorporated or Principal Place of Business in This State

PTF DEF  
☐ 4 ☒ 4

Citizen of Another State

☐ 2 ☐ 2

Incorporated and Principal Place of Business in Another State

☐ 5 ☐ 5

Citizen or Subject of a Foreign Country

☐ 3 ☐ 3

Foreign Nation

☐ 6 ☐ 6

**IV. NATURE OF SUIT**

(Select One Box Only)

**CONTRACT**

- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment and Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (incl. Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

**PERSONAL INJURY**

- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury

**PERSONAL INJURY**

- ☐ 362 Personal Injury - Med. Malpractice
- ☐ 365 Personal Injury - Product Liability
- ☐ 368 Aviation Personal Injury Product Liability
- ☐ 370 Other Personal Injury
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Injury
- ☐ 385 Property Damage Product Liability

**FORFEITURE/PENALTY**

- ☐ 610 Agriculture
- ☐ 620 Other Food & Drug
- ☐ 623 Drug Related Seizure of Property 21 USC 881
- ☐ 630 Liquor Laws
- ☐ 640 L.H. & Truck
- ☐ 650 Airline Regs.
- ☐ 660 Occupational Safety/Health
- ☐ 690 Other

**BANKRUPTCY**

- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

**PROPERTY RIGHTS**

- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 840 Trademark

**OTHER STATUTES**

- ☐ 400 Hate Reimbursement
- ☐ 410 Antitrust
- ☐ 420 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Computer Fraud
- ☐ 490 Cable/Sat TV
- ☐ 810 Selective Service
- ☐ 850 Securities/Commodities/Exchange
- ☐ 875 Customer Challenge 12 USC 410
- ☒ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 892 Economic Stabilization Act
- ☐ 893 Environmental Matters
- ☐ 894 Energy Allocation Act
- ☐ 895 Freedom of Information Act
- ☐ 900 Appeal of Fed. Determination Under Access to Justice
- ☐ 950 Constitutionality of State Statutes

**REAL PROPERTY**

- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

**CIVIL RIGHTS**

- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/Accommodations
- ☐ 444 Welfare
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 449 Other Civil Rights

**PRISONER PETITIONS**

- ☐ 510 Motions to Vacate Sentence
- ☐ Habeas Corpus:
- ☐ 530 General
- ☐ 535 Death Penalty
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition

**LABOR**

- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Mgmt. Relations
- ☐ 730 Labor/Mgmt. Reporting & Disclosure Act
- ☐ 740 Railway Labor Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Unempl. Ins. Security Act

**SOCIAL SECURITY**

- ☐ 861 HIA (13950)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SS11 Title XVI
- ☐ 865 RS1 (405(g))

**FEDERAL TAX SUITS**

- ☐ 870 Tax (U.S. Plaintiff or Defendant)
- ☐ 871 IRS - Third Party 26 USC 7609

**V. ORIGIN**

(Select One Box Only)

☒ 1 Original Proceeding

☐ 2 Removed from State Court

☐ 3 Remanded from Appellate Court

☐ 4 Reinstated or Returned

☐ 5 Transferred from another district (specify)

☐ 6 Multidistrict Litigation

☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 U.S.C. 687(c) and (d)  
Brief description of cause:  
SBA receivership

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND:

☐ Yes ☒ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions)

JUDGE

DOCKET NUMBER

DATE

2/24/06

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IMP

JUDGE

MAG. JUDGE

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

☐ Yes  
☐ No

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes  
☒ No ?

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

\*Two SBA receivership actions are being filed on the same date. The other matter is USA v. White Pines. The principals in USA v. Pacific Capital are the same as those in USA v. White Pines.

---